

REMARKS

Claims 1-5 are pending in this application. All of the pending claims were rejected.

Claims 1 and 3 are currently amended. Reconsideration and further examination are respectfully requested.

Support for the changes to the claims and also the new claims is in the specification in section 4 "STA Optimization," beginning at page 44. Particular reference is made to section 4.b "STA Power Adjustment" at page 50.

The presently claimed invention distinguishes the '229 patent because the station attenuates its transmit power by an amount signaled from the access point. The '229 patent teaches that an access point first adjusts transmit power based on negotiations with another access point¹, and then either selects another time interval² or revises the partitioning scheme.³ The result is a determination of which access point supports a particular station. The present invention concerns power adjustment signaling between an access point and a station. There is no teaching in the '229 patent that the station is operative to adjust power in response to signaling from the access point.

It should also be noted that causing the AP to issue an instruction to the STA to backoff power by a specified amount is distinct from causing the AP to instruct the STA to transmit at a particular power. As stated in the specification, the TP Backoff value indicates how far from maximum power the sending AP's radio has been turned down.⁴ In the case where the instruction is to transmit at a particular power, the AP must know and track the STA's power

¹ Column 9, lines 14-20

² Column 10, lines 1-5

³ Column 10, lines 19-25

⁴ Page 19, last sentence

level at all times in order to be able to calculate a new power level which might achieve a desired result, whereas an AP in accordance with the claimed invention need not know the actual transmit power level of the STA.

A terminal disclaimer is submitted with this response in order to overcome the provisional double-patenting rejection.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

/Holmes W. Anderson/
Holmes Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

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